

**REMARKS**

The present invention relates to a battery separator.

In the Office Action of May 24, 2004, it is appreciated that the Examiner indicated the fundamental allowability of claims 3, 10, and 16, which were merely objected to, but indicated as allowable if rewritten in appropriate independent form. It is also appreciated that the Examiner has withdrawn certain earlier rejections, as indicated at page 2 of the Office Action. A new ground of rejection was set forth, namely claims 1, 5-9 and 11-14 were rejected under 35 U.S.C. § 102(b) or alternatively under 35 U.S.C. §103(a) based on EP 834 936 (Ashida et al).

In the present Amendment, independent claim 1 has been amended by incorporating claim 3 therein. Accordingly, it is respectfully submitted that independent claim 1 and all claims dependent thereon, directly or indirectly, viz., claims 5-9 and 11-15, are now in condition for immediate allowance.

Furthermore, dependent claim 10 has been replaced by new independent claim 17, which presents cancelled claim 10 in independent form. Therefore, it is respectfully submitted that new independent claim 17 and claims 18-27, which depend thereon either directly or indirectly, are also in condition for immediate allowance.

Lastly, dependent claim 16 has been cancelled in favor of new independent claim 28, which presents cancelled claim 16 in independent form. Accordingly, it is respectfully submitted that independent claim 28 and claims 29-38 dependent thereon are also in condition for immediate allowance.

AMENDMENT UNDER 37 CFR § 1.111  
Appln. No.: 09/924,546

In view of the above, reconsideration and allowance of claims 1, 5-9, 11-15, and 17-38 now pending in this application are now believed to be in order, and such actions are hereby earnestly solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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